

LINDA LINGLE  
GOVERNOR



CARLITO P. CALIBOSO  
CHAIRMAN

JOHN E. COLE  
COMMISSIONER

LESLIE H. KONDO  
COMMISSIONER

**STATE OF HAWAII**  
**PUBLIC UTILITIES COMMISSION**  
**DEPARTMENT OF BUDGET AND FINANCE**  
465 S. KING STREET, #103  
HONOLULU, HAWAII 96813

Telephone: (808) 586-2020  
Facsimile: (808) 586-2086

e-mail: Hawaii.PUC@hawaii.gov

October 31, 2008

Catherine P. Awakuni  
Executive Director  
Department of Commerce and Consumer Affairs  
Division of Consumer Advocacy  
P.O. Box 541  
Honolulu, Hawaii 96809

Kent D. Morihara, Esq.  
Kris N. Nakagawa, Esq.  
Yvonne Y. Izu, Esq.  
Morihara Lau & Fong LLP  
841 Bishop Street, Suite 400  
Honolulu, Hawaii 96813

Bronster Hoshibata  
A Law Corporation  
Margery S. Bronster, Esq.  
John T. Hoshibata, Esq.  
Jeannette H. Castagnetti, Esq.  
2300 Pauahi Tower  
1003 Bishop Street  
Honolulu, Hawaii 96813

Re: Docket No. 2008-0115 – In Re. Molokai Public Utilities, Inc., Wai'ola O Moloka'i, Inc., and  
MOSCO, Inc. for Temporary Rate Relief

Dear Parties:

For your information and review, enclosed please find copies of a public comment related to the above-referenced docket received by the commission.

If you have any questions, please do not hesitate to contact me at 586-2019.

Sincerely,

A handwritten signature in black ink, reading "Kaiulani Kidani Shinsato".

Kaiulani Kidani Shinsato  
Commission Counsel

KKS:laa

Enclosure

c: P.A. Nicholas (w/enclosure)  
Brian T. Moto, Esq./Jane E. Lovell, Esq. (w/enclosure)



EditorMolokai  
Advertiser-News George  
Peabody  
<MolokaiMAN@basicsp.net>

09/28/2008 08:21 AM

To sens@capitol.hawaii.gov, reps@capitol.hawaii.gov,  
riki.hokama@mauicounty.us, danny.mateo@mauicounty.us,  
michelle.anderson@mauicounty.us,  
gladys.baisa@mauicounty.us,  
jo\_anne.johnson@mauicounty.us,  
bill.medeiros@mauicounty.us,  
michael.molina@mauicounty.us,  
joseph.pontanilla@mauicounty.us,  
michael.victorino@mauicounty.us,  
county.clerk@mauicounty.gov,  
county.council@mauicounty.gov,  
mayors.office@mauicounty.gov,  
prosecuting.attorney@mauicounty.gov,  
personnel.services@mauicounty.gov,  
Hawaii.puc@hawaii.gov, dlnr.cwrn@hawaii.gov, editor@the  
molokaidispatch.com, Malia@hawaiiireporter.com

cc

bcc

Subject Eminent Domain vs Molokai Ranch ? NO

Please reply to confirm receipt of this message. mahalos, george  
peabody

Letter to Editor

Eminent Domain Is NOT A Right to TAKE Property  
from Molokai Ranch by Mobocracy

EMINENT DOMAIN is your right to own property.

There is not a "Takings Clause" in the Fifth Amendment beyond  
the implied necessity to purchase movable objects. Land is not  
mentioned. READ IT !!

The concept of "eminent domain" wherein the state legislators  
hold all lands as a sort of their kingdom in waiting does not  
exist in the Constitution for the United States of America. The  
"takings power" they now call Eminent Domain is an ignorant  
interpretation of the 5th Amendment by treasonous fascist  
attornys who have usurped the judiciary and decieved The People  
to establish a crime enabling public use jurisprudence that was  
never the intent of the people who wrote the Unanimous  
Declaration and the Constitution for the United States of  
America.

Crooked attorneys/judges and politicians write such outrageous  
rational to perpetuate their status: "The question presented is  
whether the city's proposed disposition of this property  
qualifies as a public use within the meaning of the Takings  
Clause of the Fifth Amendment to the Constitution." Bull shit!  
Justice Stevens' comment was false because there is no "Takings  
Clause" in the 5th Amendment. Land is not mentioned. Did he  
even read it? Obviously, attorneys have made the best of this  
opportunity to benefit themselves.

Most brain washed people today will leave their fates and their homes in the hands of the attorneys instead of belligerently asserting their rights in person against politicians/attorneys claiming a Takings Clause power.

The Constitution for the United States of America states the following: "The Congress shall have Power to dispose of and make all needed Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be construed as to Prejudice any Claims of the United States, or of any particular State." CLEARLY, only the CONGRESS may dispose of or make needed rules and regulations respecting territory or property of the united States and neither the union or the States can make prejudicial claims over private property.

EMINENT DOMAIN is not a right to take but the right of Sovereign American Citizens to own private property!

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;-to all Cases affecting Ambassadors, other public Ministers and Consuls;-to all Cases of admiralty and maritime Jurisdiction;-to Controversies to which the United States shall be a Party;-to Controversies between two or more States;-between a State and Citizens of another State;-between Citizens of different States; -between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

Clearly, claims concerning grants of land are expressly under the United States Judicial Power and not left up to municipal mountebanks.

After a landowner allows state politicians to dictate their lives to them, it is insanity to then attempt to employ indifferent politicians putrifying the benches of the United States Supreme Court of Appeals to correct that mistake. "This Court.s authority, ....over a century of our case law interpreting that provision dictates ...we may not grant petitioners the relief that they seek. The judgment of the Supreme Court is affirmed." Politicians/attorneys stick together like turds.

If a landowner will, at the first instant when under such threat of Land Theft under color of law, issue an injunction from the one supreme Court and not allow any attorneys to drive her off of her tribunal she might have been able to secure her own rights to be secure in her home, because there is NO constitutional provision to ANNEX LAND held privately. AND, there is the additional issue with the obvious violation of 4th Amendment that an American Citizen is to be secure in his person and property!

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon

probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

I conclude that people who are unwilling to exercise their unalienable rights are doomed to forfeit them, and those who pervert the words of the 5th Amendment to enable non-Constitutional criminal acts which are prohibited therein are at best bootstomping fascist stooges.

Unfortunately, stories published in Dispatch and Times regarding proposals to utilize such fascist tactics as theft of land to punish MPL's possible PUC contract violations were not questioned by Editors. Indeed, these young ignorant editors appear to be advocates of such thuggery, as is Degray Vanderbilt whom they glorify even though he came to Molokai to develop a hotel at westend, failed, retired and never had to work a day to earn a living here but dabbles in politics to amuse himself as most wealthy dilettantes do, pushing socialist/fascist schemes ultra vires.

Sure, we all hate the despicable acts and hubris of Molokai Ranch/MPL, and the cabal of greedy attorneys/politicians representing it. But we must avoid stooping into their putrid slim by subverting for vindictive ends the Constitutional limitations on our civil servants, or we will soon find ourselves leaving footsteps of slime leading directly into the Hell of having no rights protected by the Constitution for the United States of America.

mahalos,

George Peabody editor for Molokai Advertiser-News since 1984  
HC01 Box 770  
Kaunakakai, HI 96748

<http://www.MolokaiAdvertiserNews.com>